HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.2000 of 2007

Date of decision : 1.5.2007

Manjit Singh **.....Petitioner**

versus

Malkiat Singh **.....Respondent**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present: Sh.Amit Rawal, Advocate for the petitioner.
Sh.Balbir Singh, Advocate for the respondent.

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ORDER

HEMANT GUPTA, J.

The present revision is directed against the order passed by the learned Rent Controller dated 24.1.2007 whereby an application for leave to contest, filed under Section 13-A of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as the Act), was declined.

The petitioner has sought leave to defend on the ground that the landlord has earlier sought eviction on the ground that he is an ex-serviceman and the premises is required for running the business by his son. During the pendency of the said petition itself, the landlord has sought the eviction under Section 13-A of the Act by relying upon the certificate issued by the Commanding Officer, 3rd Punjab Girls Battalion, NCC, Ludhiana to the effect that the petitioner has attained the age of superannuation on 28.2.2002.

Learned counsel for the respondent, on the instructions from the respondent present in the Court today, has conceded that the order

passed by the learned Rent Controller dated 24.1.2007 be set-aside subject to the condition that the eviction petition under Section 13-A of the Act is directed to be disposed of by the learned Rent Controller in a time bound manner.

In view of the above, the order passed by the learned Rent Controller dated 24.1.2007 is set-aside, subject to the following conditions:-

(i) The petitioner shall file his written statement on 28.5.2007 i.e. the date on which the parties are directed to appear before the learned Rent Controller and

(ii) The learned Rent Controller shall grant two opportunities each to both the parties to lead their respective evidence so as to finally conclude the decision of the petition by the end of January, 2008.

It is made clear that if any of the parties fails to conclude its evidence within the two opportunities to be granted by the learned Rent Controller, the evidence of defaulting party shall be deemed to be closed.

The revision petition stands disposed of accordingly.

The parties through their counsel are directed to appear before the learned Rent Controller on 28.5.2007, for further proceedings.

(HEMANT GUPTA)
JUDGE

May 1, 2007
**mohinder*